

REMARKS

Claims 1 to 16 are pending this application of which claims 1, 6 and 11 are the independent claims. Favorable reconsideration and further examination are respectfully requested.

Claims 1, 3 to 6, 8 to 11, 15 and 16 are rejected under 35 U.S.C. § 102(b) over Maloomian (U.S. Patent No. 4,602,280). Applicants respectfully traverse this rejection. *video file ~ alternate method of claim 3-9*

Claim 1 is directed to a method of displaying a video image of at least a portion of a virtual patient. The method includes accessing identification of a video file. The video file includes a series of video images that depicts virtual patient features over a range of the features. The method also includes determining an offset into the video file. The offset corresponds to one of the series of video images. The method further includes presenting the one of the series of video images that corresponds to the offset. *the buffers*

The applied art is not understood to disclose or suggest the foregoing features of claim 1. In particular, Maloomian does not disclose or suggest "determining an offset into the video file, the offset corresponding to one of the series of video images" where the series of video images "depicts virtual patient features over a range of said features."

More specifically, Maloomian describes taking an image and based on a function (i.e., stretch and/or shrink factor) alters the image. Maloomian does not determine an offset. Furthermore, Malmoonian does not even disclose or suggest a video file that includes a range of video images much less determining an offset that corresponds to one of the series of video images. Instead, Malmoonian starts with a video image, manipulates the image based on factors, and then renders the manipulated image (see column 1, lines 16 to 59 of Maloomian). To this point, Malmoonian states:

The video camera takes the image of the customer which is digitized by the frame grabber, stored in memory and ultimately displayed on the video screen. Through the use of a CPU, the stored image is varied along the horizontal and/or vertical axes to provide a re-proportioned image of the customer. Preferably, this is accomplished by stretching and/or shrinking rasters horizontally and/or

vertically along the full height of the image based on stretch and/or shrink factor.
(see column 2, lines 46 to 55 of Maloomian).

To the contrary, Applicants' invention discloses having a video file with a range of multiple patient images and rendering one of those images based on a determined offset. For example, a video image of a virtual patient determined based on weight:

The "weight" morph is based on the weight variable and extends from a minimum weight of 164 to a maximum weight of 184. Thus, if a patient weighs "174", the corresponding offset would index halfway through a video file and present the corresponding image. (see page 21 lines 8 to 12 of the Applicants' specification).

Therefore, Maloomian does not disclose or suggest determining an offset into the video file where the offset corresponds to one of the series of video images

The noted distinction is not trivial, but represents an inventive step, as will be appreciated by those in the patient simulation industry. For example, by generating the video images ahead of time saves time during the real-time simulation run when processing time is at a premium. Also, generating the images ahead of time would allow more sophisticated processing to be used to generate the morphed images since the images can be generated in non-real-time ahead of time. Thus, one would not be restricted to morphing methods that have to be done quickly and on the fly.

In view of the foregoing remarks, Applicants respectfully request that claim 1 be allowed.

Since claims 6 and 11 roughly correspond to claim 1, Applicants believe that claims 6 and 11 are allowable for at least the same reasons that claim 1 is allowable.

In view of the foregoing amendments and remarks, Applicants submit that the entire application is now in condition for allowance. Such action is respectfully requested at the Examiner's earliest convenience.

All correspondence should be directed to the below address. Applicants' attorney can be reached by telephone at the number shown below.

Applicant : Karl Haakonsen et al.
Serial No. : 09/603,422
Filed : June 26, 2000
Page : 8 of 8

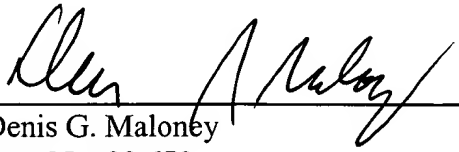


Attorney's Docket No.: 11328-006001

Enclosed is a \$210 check for the Two-Month Petition for Extension of Time fee. No other fee is believed to be due for this Response; however, if any other fees are due, please apply such fees to Deposit Account No. 06-1050 referencing Attorney Docket 11328-006001.

Respectfully submitted,

Date: 12/23/03



Denis G. Maloney
Reg. No. 29,670

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

20775950.doc

RECEIVED
JAN 07 2004
Technology Center 2600